

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

ZIMMER RADIO OF MID-MISSOURI, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION, *ET AL.*

Respondent.

Case Nos. 24-1380, 24-1480,
24-1493, 24-1516

JOINT RESPONSE TO REQUEST TO PROPOSE BRIEFING SCHEDULE

Petitioner National Association of Broadcasters (“NAB”), on behalf of itself, all other Petitioners, Respondents Federal Communications Commission and the United States, and parties that have moved to intervene in these consolidated cases, hereby responds to the Court’s request that the parties submit a joint proposed briefing schedule.

These consolidated cases involve four petitions for review of the Federal Communications Commission’s *2018 Quadrennial Regulatory Review — Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to*

Section 202 of the Telecommunications Act of 1996, Report and Order, 89 Fed. Reg. 12196 (Feb. 15, 2024) (“Quadrennial Order”).

Petitions for review were filed on February 23, 2024 by Zimmer Radio of Mid-Missouri, Inc. in this Court, by Beasley Media Group, LLC and Tri-State Communications, Inc. in the U.S. Court of Appeals for the Eleventh Circuit, and by Nexstar Media Group, Inc. in the U.S. Court of Appeals for the Fifth Circuit. On March 8, 2024, NAB filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit. On March 5, 2024, the United States Judicial Panel on Multidistrict Litigation randomly selected this Court to hear the consolidated petitions for review, and the petitions filed in the Eleventh, Fifth, and D.C. Circuits were duly transferred to this Court.

Interested parties subsequently filed motions to intervene (collectively, the “Intervenors”). On March 22, 2024, the CBS Television Network Affiliates Association, the ABC Television Affiliates Association, the NBC Television Affiliates, and the FBC Television Affiliates Association moved to intervene in support of Petitioners. On March 25, 2024, interested parties Connoisseur Media, LLC, Mid-West Management, Inc., Midwest Communications, Inc., Sun Valley Radio, Inc., Eagle Communications, Inc., and Legend Communications of Wyoming, LLC, moved to intervene in support of Petitioners. And on March 25, 2024,

interested party, NCTA - The Internet & Television Association moved to intervene in support of Respondents.

The deadline to file petitions for review of the Quadrennial Order is April 15, 2024. The deadline for any further intervention motions is 30 days after the last-filed petition for review. *See* Fed. R. App. Proc. 15(d). Therefore, it is possible that additional parties also may seek to intervene on or before the May 15, 2024 deadline.

On March 12, this Court directed Petitioners and Respondents to meet and confer, and to submit a joint proposed briefing schedule within 21 days of the Court's letter. Petitioners, Respondents, and Intervenors have conferred, and all parties agree on the following schedule, which reflects the complexity of the underlying issues on appeal and the need for coordination and review among multiple parties and counsel:

Opening Briefs of Petitioners and Intervenors in support of Petitioners	Monday, July 15, 2024
Response Briefs of Respondents and Intervenors in support of Respondents	Friday, September 13, 2024
Reply Briefs of Petitioners and Intervenors in support of Petitioners	Tuesday, October 15, 2024
Deferred Appendix	Monday, November 4, 2024
Final Briefs	Monday, November 18, 2024

As requested by the Court, this schedule would allow for the briefing to be complete and the cases ready for submission on the merits before the end of calendar year 2024. The parties have taken notice of 8th Cir. R. 28A(m) as it relates to the

calculation of response times for filing respondent and reply briefs, and believe that setting date-certain deadlines provides sufficient notice and time for the parties to draft and submit all briefs with the Court. The parties also have agreed to serve all merits briefs on all parties via email in addition to ECF.

The parties respectfully ask that the Court defer its determination of the number of briefs and the word limits for such briefs until the full roster of parties has been finalized. Petitioners currently anticipate filing joint opening and reply briefs. Intervenors in support of Petitioners currently anticipate filing two sets of briefs: (1) opening and reply briefs on behalf of the television affiliates associations, and (2) opening and reply briefs on behalf of radio broadcasters Connoisseur Media, Mid-West Management, Midwest Communications, Sun Valley Radio, Eagle Communications, and Legend Communications of Wyoming. Respondents currently anticipate filing a single response brief and Intervenor in support of Respondents also plans to file a brief. However, the number of briefs, the issues the parties intend to raise, and the number of words needed for full and efficient presentation of the issues could change if additional petitions for review or intervention motions are filed.

Therefore, the parties request leave to file a supplemental joint proposed briefing schedule by April 22—seven days after the deadline to file a petition for review. The parties further request leave to file a second supplemental joint proposal

by May 22 (if necessary), seven days after the deadline to intervene, to ensure all parties are accounted for.

CONCLUSION

For the foregoing reasons, NAB, on behalf of all parties, respectfully requests that the Court adopt this proposed briefing schedule and direct the parties to file a supplemental proposed briefing schedule by April 22 and, if necessary, a second supplemental proposed briefing schedule by May 22.

Dated: April 2, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2024, copies of the foregoing Joint Response to Request to Propose Briefing Schedule have been served on all parties via the CM/ECF system.

/s/ Helgi C. Walker

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